

REMARKS**I. Formal Matters**

Claim 33 has been amended to provide correct claim dependency. Claims 1-5, 8-14, 16-17, and 21-34 remain in this Application and are presented for the Examiner's reconsideration in light of the above amendments and the following comments. No new matter has been added. Attached hereto is a marked-up version of the changes made to the Claims by the current Amendment. The attached page is captioned **"VERSION WITH MARKINGS TO SHOW CHANGES MADE."**

II. Substitute Specification

Applicant is submitting a Substitute Specification pursuant to 37 C.F.R. §1.125(b) and M.P.E.P. 608.01(g). The Examiner objected to the previous submission under 35 U.S.C. §132 because the first three lines of paragraph 27 on page 6 introduced new matter. Applicant is at a loss to understand the Examiner's objection. The Examiner stated in the Office Action dated April 15, 2003, "The term 'strut' is understood to include a panel. Therefore, any **reinforcing panel** shown by a reference will read on a strut as claimed by Applicant." Additionally, in the September 17, 2002 Office Action, the Examiner stated that, "A strut is a **bar or rod** used to brace a structure...." (Emphasis added) Further, the originally submitted Specification, including the drawings, clearly teach the use of any rod or bar (i.e., strut) to reinforce the sidewalls of the container of the present invention. Thus, paragraph 27 of the submitted substituted specification is merely a presentation of language that clarifies Applicant's definition of a reinforcement that Applicant is clearly entitled to claim herein. Therefore, the Substitute Specification contains no new matter. Both a clean copy of the Substitute Specification and a marked-up version of the Substitute Specification are attached hereto.

III. Substitute Drawings

Applicant is also providing two new drawings, Figs. 6 and 7, pursuant to M.P.E.P. §608.02(b). These drawings were submitted in Applicant's Preliminary Amendment dated March 17, 2003. Again, Applicant is at a loss to understand the Examiner's disapproval of FIGS. 6 and 7. In light of the discussion, *supra*, Applicant is submitting drawings that merely illustrate a structure to which Applicant believes he is entitled. The law requires nothing more.

IV. 35 U.S.C. §112 Rejection

Claim 33 has been rejected under 35 U.S.C. §112, ¶2 for improper claim dependency. Applicant has amended Claim 33 to depend from Claim 28, thereby obviating the rejection. Applicant respectfully requests the Examiner withdraw the 35 U.S.C. §112, ¶2 rejection to Claim 33.

V. 35 U.S.C. §102(b) Rejection

Claims 1-4, 10-13, 16-17, 21-24, 28-31, and 33-34 have been rejected under 35 U.S.C. §102(b) over *Nichols*, U.S. Patent No. 5,002,194. Claims 1-4, 10-13, 16-17, 21-24, 28-31, and 33-34 have been rejected under 35 U.S.C. §102(b) over *Artusi*, U.S. Patent No. 4,801,017. Additionally, Claims 1, 10-13, 21, and 28-31 have been rejected under 35 U.S.C. §102(b) over *Harrison*, UK Patent Application No. GB 2194514A. Applicant respectfully traverses these rejections. The discussion of the *Nichols*, *Artusi*, and *Harrison* references previously made of record remain in effect but will not be repeated for the sake of brevity. The Examiner is respectfully urged to consider the following additional matters that distinguish Applicant's claimed invention over the *Nichols*, *Artusi*, and *Harrison* references:

1. Applicant's independent Claims 1, 10, 21, and 28 each claims, *inter alia*, a container having a plurality of upstanding sidewalls interconnected by a floor pan and at least one upstanding strut.
2. Claims 1, 10, 21, and 28 each claims, *inter alia*, that the plurality of upstanding sidewalls is reinforceable with one of the upstanding struts.
3. Applicant is at a loss to understand how the *Nichols* reference discloses an upstanding strut reinforcing a sidewall of the disclosed container. Surely, an inner tank made of a thin wall construction that is incapable of supporting itself upright cannot be considered a container having a plurality of upstanding sidewalls. *See* Col. 3, lines 25-28.
4. The only object in the *Nichols* reference providing a plurality of upstanding sidewalls interconnected by a floor pan is outer container 11. *See* Col. 3, lines 1-7. The *Nichols* reference is silent with respect to the use of a strut, as claimed by Applicant.
5. As stated in the *Artusi* reference, rim 14 of tray 2 is joined to edge strips 9 and 10 of cardboard blank 1. *See* Col. 3, lines 48-50. Ostensibly, this is provided so that the thermal stability of the inner tray remains constant during a heating process.
6. Therefore, Applicant is at a loss to understand how edge strips from a cardboard blank sealed to a container can be considered to be removable from a sidewall.
7. Similarly, the *Harrison* reference requires the fusing of a container to an outer case. This is done by inserting an inner container having outward projections that nestably mate into holes of an outer case, thereby clipping the outer case to the container. *See* page 1, lines 108-125.
8. Again, Applicant is at a loss to understand how clipping an outer case to a container can provide for a strut being removable from a sidewall.

Due to these considerations, the *Nichols*, *Artusi*, and *Harrison* references fail to teach each and every element of Applicant's claimed invention. Therefore, Applicant respectfully requests withdrawal of the Examiner's 35 U.S.C. §102(b) rejection with respect to independent Claims 1, 10, 21, and 28 over the cited references.

Because dependent Claims 2-5, 8-9, 11-14, 16-17, 22-27, and 29-34 all depend directly or indirectly from Applicant's independent Claims, they contain all of their respective limitations. For this reason, Applicant submits that the arguments made above concerning the allowability of Applicant's independent Claims are equally applicable to the rejection of dependent Claims 2-5, 8-9, 11-14, 16-17, 22-27, and 29-34 under 35 U.S.C. §102(b). Applicant therefore requests reconsideration and withdrawal of the Examiner's 35 U.S.C. §102(b) rejection to dependent Claims 2-5, 8-9, 11-14, 16-17, 22-27, and 29-34.

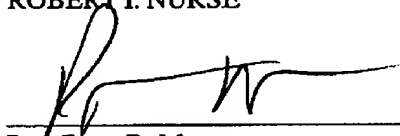
VI. Summary

Based on all the foregoing, it is respectfully submitted that each of Applicant's remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512. If any additional charges are due, the Examiner is authorized to deduct such charges from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,

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June 30, 2003

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claim 33 has been amended as follows:

33. (Amended) A container according to Claim [33] 28, wherein each of said reinforceable panels is articulable about a proximal end, said proximal end being juxtaposed with said floor plan.